IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 22982 of 1999

Between:

G.Krishna S/o Veeraiah
R/o H.No.1-7-495/18,Zamisthanpur, Musheerabad,
Hyderabad.

..... PETITIONER

AND

1 The Commissioner, Muncipal Corporation of Hyderabd,
Tank Bund, Hyderabad.
2 The Asst.Medical Officer of Health, Circle.No.3,M.C.H.,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent in issuing the closure Notice Vide.No.1012/H1/C3/MCH/99,dt.13-10-99 issued bys the 2nd Respondent, as bad, Illegal, arbitrary and violation of the principal as natural Justice and consequently set aside the impugned closure notice.

Counsel for the Petitioner: MR.E.VENKATA REDDY

Counsel for the Respondents: MR.RAMA RAO GHANTA

The Court made the following :

ORAL ORDER

The petitioner filed the present writ petition seeking writ of Mandamus to declare the action of the 2nd respondent in issuing the closure Notice No.1012/H1/C3/MCH/99, dated 13-10-1999 as illegal and arbitrary.

The contention of the petitioner in this writ petition is that the petitioner is a manufacturer of Kerosene stoves at his residence bearing house No.1-7-495/18, Zamisthanpur, Musheerabad, Hyderabad and that he has been paying the necessary fee to the 1st respondent-Municipal Corporation Hyderabad, till 31-03-2000. While so the 2nd respondent got issued a show-cause notice to the petitioner on 04-10-1999 calling upon the petitioner to explain why his trade should not be closed. Immediately the petitioner gave his reply on 12-10-1999 requesting the 2nd respondent to drop further action. But without considering his explanation, the 2nd respondent issued closure notice, impugned in this writ petition, dated 13-10-1999 instructing the petitioner to close his business, is the main grievance in this writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

It is vehemently contended by the learned Standing Counsel for the respondents that initially the petitioner obtained permission under Section 521 of the Hyderabad Municipal Corporation Act,1955 and it does not amount to granting of a licence. Moreover the neighbours of the petitioner complained against the petitioner with regard to sound pollution being emanated from the petitioner's manufacturing unit. I see there is some force in the arguments advanced by the learned Standing Counsel for the respondents.

Considering the facts and circumstances of the case, I see no illegality or perversity

in the impugned order. Hence, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. In the circumstances there shall be no order as to costs.

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ELIPE DHARMA RAO,J

13TH JULY 2005

*TSNR

To

1 The Commissioner, Muncipal Corporation of Hyderabd,
Tank Bund, Hyderabad.
2 The Asst.Medical Officer of Health, Circle.No.3,M.C.H.,
Hyderabad.

3 Two C.D.Copies.